

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6837

BILL NUMBER: SB 298

NOTE PREPARED: Dec 22, 2005

BILL AMENDED:

SUBJECT: Sex Offender Residency.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Criminal Penalty:* The bill makes it a Class D felony for a sexually violent predator or person who has been convicted of certain sex offenses to reside within 1,000 feet of a school, youth program center, or park.

Identification as a Sexually Violent Predator and Lifetime Registration: The bill also requires the sex offender web site to identify sex offenders who are sexually violent predators (SVP) or who are required to register for life.

Effective Date: July 1, 2006.

Explanation of State Expenditures: *Criminal Penalty:* There are no data available to indicate how many offenders against children would be convicted of a Class D felony for residing within 1,000 feet of a school, a youth program center, or a public park.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,977 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$62,292. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Background Information on Offenders Against Children: The offenses covered by this prohibition would include child molesting, child exploitation, child solicitation, child seduction, and kidnapping where the child is less than 18 years of age. In CY 2003 and 2004, there were 568 offenders and 511 offenders, respectively, released from a state facility who had committed one of these offenses. (Note: The release data do not identify the age of the victim. The number of kidnapping offenders may be overstated as a result.)

Sexually Violent Predator and Lifetime Registration: The cost to add new data to the Sex Offender Registry to identify an SVP or whether a sex offender is required to register for life is estimated to cost between \$4,250 and \$5,500.

The DOC reports that Appriss, Incorporated, the company currently working to merge the Sex Offender Registry operated by the Indiana Sheriffs' Association and the Indiana Sex and Violent Offender Directory operated by the Indiana Criminal Justice Institute, estimates that, as proposed, changes to the database and database structure would include approximately 6-8 hours for database modifications; 12-16 hours for adding to, testing, and redeploying the entry portal; and 12-16 hours in adding to, testing, and redeploying the portal used by the public to view sex offender information.

Background Information on Sexually Violent Predators: Under IC 5-2-12-4.5, an SVP is an individual who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage sexual offenses. The ICJI reports that very few individuals are classified as SVPs. Currently, there are approximately 14,537 individuals listed on the Sex and Violent Offender Directory; 43 are identified as an SVP. In FY 2005, five SVPs were added to the directory.

Explanation of State Revenues: *Criminal Penalty:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Criminal Penalty:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Criminal Penalty:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.